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Single Bench

CF 9002 (1)

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (S) No. 5321 /2006

PETITIONERS :1) Smt. Soma Sahu, W/o. Shri Nitesh Sahu, aged about 35 years, Occupation Assistant Teacher- Middle School, Dhavalpur Block Gariaband, District Raipur, R/o. Village and post Dhavalpur, Block Gariaband, District Raipur (C.G.)

:2) Smt. Sarita Sahare, W/o. Shri S.L.Sahare, aged about 36 years, Occupation Assistant Teacher- Middle School, Jarjara, Block Gariaband, District Raipur, R/o. Paragaon Road Gariaband Block Gariaband, District Raipur (C.G.)

:3) Surendra Kumar Sahu, S/o. Shri Punit Ram Sahu, aged about 33 years, Occupation Assistant Teacher- Primary School, Ghataud, Block Gariaband, District Raipur, R/o. Village Ghataud, via Dhavalpur, Block Gariaband, District Raipur (C.G.)

:4) Ajay Kumar Mishra, S/o. Late Shri Roop Ram Mishra, aged about 36

P.R. No. 5354/06 Presented on 25/9/06

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OATH COMMISSIONER APARNA MALVIYA CG 2073/96 24/6/14 Bilaspur Chhattisgarh

years, Occupation Assistant Teacher- Primary School, Bendkura, Block Gariaband, District Raipur, R/o. Near Gramin Bank, Gariaband, Block Gariaband, District Raipur (C.G.)

:5) Sanjay Kumar Singh, S/o. Shri Prithavinath Singh aged about 36 years, Occupation Assistant Teacher- Govt. Girls Middle School, Kochvay Block Gariaband, District Raipur, R/o. Sahu Samaj Bhavan, Gariaband, Block Gariaband, District Raipur (C.G.)

:6) Smt. Purnima Rajput, W/o. Shri Harish Rajput, aged about 34 years, Occupation Assistant Teacher- Primary School, Jangal-Dhavalpur Block Gariaband, District Raipur, R/o. Village and Post Dhavalpur, Block Gariaband, District Raipur (C.G.)

:7) Mahendra Kumar Baghel, S/o. late Shri Brij Lal Baghel, aged about 37 years, Occupation Assistant Teacher- Middle School, Begarpala Block Gariaband, District Raipur, R/o. Sahu Samaj Bhavan, Gariaband, Block Gariaband,

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(3)

District Raipur (C.G.)

:8) Smt. Pushpalata Sahu, W/o. Shri Babu Lal Sahu, aged about 39 years, Occupation Assistant Teacher- Primary School, Baruka Block Gariaband, District Raipur, R/o. Village and Post Baruka, Block Gariaband, District Raipur (C.G.)

:9) Roshan Lal Chandrawanshi, S/o. Shri B.L.Chandrawanshi, aged about 38 years, Occupation Assistant Teacher- Primary School, Piperchhedi Block Gariaband, District Raipur, R/o. Village and post Piperchhedi, Block Gariaband, District Raipur (C.G.)

VERSUS

RESPONDENTS :1) State Of Chhattisgarh, Through Secretary, Tribal Welfare, DKS Bhavan, Raipur (C.G.)

:2) Assistant Commissioner, Department Of Tribal Welfare, Raipur (C.G.)

:3) The Block Education Officer, Gariaband, Tahsil Gariaband, District Raipur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG

WRIT PETITION UNDER ARTICLES 226/227

OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 5317/2006

Petitioners : Chandrashekhar Sahu and another

Versus

Respondents : State of Chhattisgarh & others

W. P.(S) No. 5320/2006

Petitioner : Smt. Purnima Sao

Versus

Respondents : State of Chhattisgarh & others

W. P.(S) No. 5321/2006

Petitioners : Smt. Soma Sahu and others

Versus

Respondents : State of Chhattisgarh & others

And

W. P.(S) No. 5322/2006

Petitioner : Harishankar Verma

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Smt. Hamida Siddique, counsel for the petitioners.

Shri Ajay Dwivedi, Panel lawyer for the respondents/State.

ORDER

(4th October, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By these petitions under Article 226/227 of the Constitution of India the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 23.3.2006 passed by this Court in Writ Petition No. 2577/2003 (NemSingh Thakur and others Vs. State of Chhattisgarh & others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.
3. The present writ petitions, being Writ Petitions (S) No. 5317/2006, 5320/2006, 5321/2006, and 5322/2006, involve identical facts and common question of law. Thus, these petitions are being disposed of by this common order.
4. The cases of the petitioners are that they were appointed as Assistant Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years tenure the petitioners were regularized, but they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated Assistant Teachers, but the respondents have not paid any heed. Thus this petition.
5. Learned counsel appearing for the State/respondents submits that the difference between the Upper Division Teacher and Assistant Teacher is that the fixed salary of the Assistant Teacher was Rs. 1200/- p.m. and that of Upper Division Teacher was Rs. 1400/- p.m. The process of selection and period of probation was one and the same.
6. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioners and the same pay scale which have been sanctioned to other similarly situated teachers on the basis of the order dated 31.3.2000 of the State Administrative Tribunal, to which learned State counsel has no objection.

7. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all their grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioners stand on the same footings, as the petitioners in the O.A. No. 1452/98 then they be also sanctioned the same pay scale and seniority.
8. These writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.
9. A copy of this order be placed in the record of other three connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Thakur